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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,325	02/27/2004	Douglas M. Okuniewicz	A9658-81022	9385
320/9 7590 01/25/2010 BRADLEY ARANT BOULT CUMMINGS LLP 200 CLINTON AVE. WEST SUITE 900 HUNTSVILLE, AL 35801				
EXAMINER				
TORIMIRO, ADETOKUNBO OLUSEGUN				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
01/25/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,325

**Applicant(s)**

OKUNIEWICZ, DOUGLAS M.

**Examiner**

ADETOKUNBO O. TORIMIRO

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 and 17-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The amendment received on 01/04/2010 has been considered. It has been noted that claims 1-8,10-13,15,17-21,24,25,28,30,32,33,35,37,39-46, and 49-51 have been amended.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 17-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (US 4,239,165).

Re claims 1,4,10,15,17,25,41,42,50, and 51: Novak teaches a gaming device interface comprising interface means for detecting and receiving such as the integrated device (31), scanner (30), etc, for detecting, analyzing and translating an event signals such as customer selection of lottery entry numbers and purchases (see fig.1; col.2, lines 35-54; col.7, lines 56-61); printing means (32) operative to receive printing operation commands from said interface as related with the state-run lottery (see fig.1; col.7, lines 36-45 and 62-68); outputting lottery outcomes could be carried out via the printed ticket or through the display screen (66) associated with the pick stand and interface; including manual inputting means such as keyboard, optical readers, etc (see fig.3; col.1, lines 65-68). Novak does not explicitly disclose constantly monitoring and outputting lottery entry dispensing commands upon an occurrence of an event. However, since Novak discloses constantly detecting the occurrence of an event for activating

the lottery game as discussed above (**see fig.1; col.2, lines 35-54; col.7, lines 56-61**), Novak obviously discloses the constantly monitoring the occurrence of an event since it is obvious and expected that every time an event such as customer selection of lottery number is carried out, there is a detection as explained above, which thereby brings about monitoring of the events so as to observe and notify the customer with a winning outcome. Further, Novak discloses providing a lottery ticket when the point of sale system detects a game event (**see fig.6; abstract**), and since generating a command from a controller to an output device for the output device to perform a function according to the controller's command would have been known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a lottery ticket dispensing command from a controller to the ticket dispensing means of Novak in order to allow the controller to control peripheral devices such as a ticket printer, etc.

Re claims 2,3,5-9,11-14,52,54, and 55: Novak teaches using software, hardware, and firmware for detecting occurrences of an event (**see col.7, lines 46-52**); outputting lottery tickets (**see abstract**); tracking coin-in such as performing inventory accounting functions (**see col.8, lines 45-53**).

Re claims 18-24,43-49: Novak teaches detaching or integrating the lottery system to the gaming terminal by enabling or disabling the lottery terminal, separate terminals specifically made for lottery game purposes or regular groceries registers such that easier and faster access to state-run lottery games can be made available (**see fig.3; col.2, lines 7-19 and 35-54**); where the lottery terminals and devices are connected and networked locally together for common communication thereby transmitting data between game devices via a Local Area Network and

also where a modem means is connected to the lottery system for the receiving and transmitting of data between the lottery devices in the network and the central lottery computer (**see col.4, lines 4-10; col.5, lines 34-50**); a central lottery system controlled by a central lottery computer system (40) that controls and processes the state-run lottery game (**see fig.1; abstract; col.1, lines 16-19 and 50-64**).

Re claims 26-40 and 53: Novak teaches outputting lottery outcomes including payments and winnings, could be carried out via the printed ticket or through the display screen (66) associated with the pick stand and interface; further the payment is directed to the players account in the form of a redeemable ticket and cashless instrument as explained in col.13, lines 5 and 6 that in the outcome of a win, the player's purchased lottery ticket is credited with the payment (**see fig.3; col.1, lines 65-68; col.13, lines 5-6**); the lottery event is generated or initiated for generation by the gaming device or lottery system (**see figs.1 and 6; abstract; col.4, lines 13-22**).

#### ***Response to Arguments***

4. Applicant's arguments and amendment filed 01/04/2010 have been fully considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keesee discloses a lottery game and method of playing a lottery game; Entenmann et al teaches use of telecommunications systems for lotteries.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Primary Examiner, Art Unit 3714